THE HONOURABLE SRI JUSTICE GODA RAGHURAM

WRIT PETITION NO. 20283 OF 2007

DATED:24-09-2007

Between:

Smt.Raja Sagi Sudarsana Gopala Bhavani Devi

… Petitioner

And :

Greater Visakhapatnam Municipal Corporation,
Visakhapatnam

… Respondent

THE HONOURABLE SRI JUSTICE GODA RAGHURAM

WRIT PETITION NO. 20283 OF 2007

ORAL ORDER

The writ petition is filed alleging that the respondent is attempting demolition of the structures executed by the petitioner situated in Door No.14-1-38, Ward No.17, T.S.No.132, Block No.4, Maharanipeta, Visakhapatnam District.

According to the petitioner, the building plan submitted by her was approved by a proceedings dated.20-06-2006 of the respondent permitting construction of a stilt floor for parking ground floor + four upper floors. The petitioner asserts to be proceeding with the construction only in accordance with the approved plan. While so it is alleged, without any notice under Section.452 or 636 of the Hyderabad Municipal Corporation Act, 1955 (as is applicable to the respondent-Corporation), the authorities of the respondent approached the property on 22-09-2007 proposing demolition along with a demolition squad. In the circumstances the writ petition is filed.

The learned Standing Counsel for the respondent Sri N.Ranga Reddy submits that the respondent cannot and will not pursue demolition without following the due process of law namely under Sec. 452 or 636 of the Hyderabad Municipal Corporation Act, 1955. It is however submitted that the respondent is statutorily obligated to restrain any person from making deviant constructions and contrary to the sanctioned plan.

In the light of the averments made on behalf of the respondent, the

writ petition is disposed of at the stage of admission directing the respondent not to resort to demolition in the petitioner's premises without following the due procedure and issuance of notice under Section.452 or 636 of the Hyderabad Municipal Corporation Act, 1955. However, if there be any deviations in the construction by the petitioner the respondent shall forthwith inspect the premises and shall stop further construction. For demolition however, the respondent shall follow the procedure indicated above.

In the circumstances there shall be no order as to costs.

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GODA RAGHURAM,J

24th SEPTEMBER 2007

Note:

Issue CC

As soon as

Possible

(B/O)

***TSNR**